

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-02957

ERIC RESSNER, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Eric Ressler, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 48523.

12/2/06

3. Respondent's address of record is 3365 Burns Road, Suite 205, Palm Beach Gardens, Florida 33410.

4. On or about February 2, 2006, the United States Attorney for the Southern District of Florida filed an indictment against Respondent, charging him with participating in a conspiracy to commit health care fraud in violation of Title 18 United States Code, Sections 2, 371, and 1347. The clerk assigned the case number 2006-80020-CR to the indictment.

5. The indictment alleged that Respondent violated Title 18 United States Code Section 371 by knowingly and willfully combining, conspiring, confederating, agreeing, and reaching a tacit understanding with persons known and unknown to the Grand Jury to commit offenses against the United States, that is health care fraud from in or around June 2001, and continuing to in or around September 2005, in Palm Beach County, in the Southern District of Florida:

A. By allowing a co-conspirator pharmacist to use Respondent's name to submit false and fraudulent prescription drug claims for Ketamine HCL and other prescriptions through the Medicine Shoppe, a pharmacy, to private health care companies for prescription drug claims submitted for prescription medications that

were not prescribed, not requested and/or not delivered to the patients named in the claims; and

B. By receiving a number of items of significant value from the co-conspirator pharmacist and the Medicine Shoppe which represented proceeds from payments received from false and fraudulent prescription drug claims, including but not limited to a check in the amount of \$34,490.00 for the purpose of making a down payment on Respondent's residence and cash payments delivered in envelopes on a regular basis.

6. On or about August 10, 2006, Respondent pled guilty in the United States v. Eric Ressler, Case No.2006-80020-CR, before the Honorable Daniel T.K. Hurley in the United States District Court for the Southern District of Florida, to the crime of conspiracy to commit health care fraud.

7. On or about November 2, 2006, Respondent was sentenced to a term of imprisonment for forty-eight months, to be followed by three years of supervised release.

8. Section 456.072(1)(c), Florida Statutes (2006), subjects a licensee to discipline, including suspension, for being convicted or found

guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

9. Respondent pled guilty to a crime which relates to the practice of medicine, or the ability to practice medicine, by entering a guilty plea on or about August 10, 2006, in United States of America v. Eric Ressner, United States District Court, Southern District of Florida, Case No. 06-60070-CR, to the crime of conspiracy to commit health care fraud, the facts of which took place from in or about June 2001, continuing to in or about September 2005, Palm Beach, County, Florida.

10. Based on the foregoing, Respondent violated Section 456.072(1)(c), Florida Statutes (2006), when Respondent entered a plea of guilty to a crime in any jurisdiction which relates to the practice of, or the ability to practice, medicine, when Respondent pled guilty to one count of conspiracy to commit health care fraud, in violation of Title 18 United States Code, Sections 2, 371 and 1957.

WHEREFORE, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of

practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 25th day of December, 2006.

M. Rony François, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Alivia Staff
DATE 12/27/06

Alivia Staff
Alison M. Dudley
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 159913
(850) 245-4640 Office
(850) 245-4680 Facsimile

PCP: December 22, 2006
PCP Members: El-Bahri & Vijayanagar

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2006-02957

ERIC RESSNER, M.D.,

RESPONDENT.

AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Eric Ressler, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 48623.

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guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or the ability to practice, a licensee's profession.

9. Respondent pled guilty to a crime which relates to the practice of medicine, or the ability to practice medicine, by entering a guilty plea on or about August 10, 2006, in United States of America v. Eric Ressler, United States District Court, Southern District of Florida, Case No. 06-60070-CR, to the crime of conspiracy to commit health care fraud, the facts of which took place from in or about June 2001, continuing to in or about September 2005, Palm Beach, County, Florida.

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WHEREFORE, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties:
permanent revocation or suspension of Respondent's license, restriction of

practice, imposition of an administrative fine, issuance of a reprimand, placement of Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 2nd day of January, 2007.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health



Allison M. Dudley
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar # 159913
(850) 245-4640 Office
(850) 245-4680 Facsimile

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: Shirley Stiff
DATE 1/2/07

PCP: December 22, 2006
PCP Members: El-Bahri & Vijayanagar

NOTICE OF RIGHTS

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Cit

Final Order No. DOH-07-0137-FOI-MOA
FILED DATE - 2/9/07
Department of Health
By: Rachael Blum
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2006-02957

LICENSE NO.: ME0048623

ERIC RESSNER, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on February 3, 2007, in Orlando, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause pursuant to Respondent's Election of Rights. At the hearing, Petitioner was represented by April Skilling, Assistant General Counsel. Respondent was represented by Kenneth Metzger, Esquire. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board.

THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

RULING ON MOTION TO ASSESS COSTS

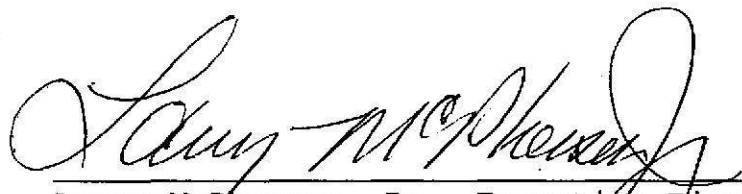
The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$5,716.06. Said costs are to be paid within 30 days from the date this Final Order is filed.

(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 9th day of FEBRUARY,
2007.

BOARD OF MEDICINE


Larry McPherson, Jr., Executive Director
for H. FRANK FARMER, JR., M.D., Chair

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to ERIC RESSNER, M.D., 2202 State Avenue, Suite 301, Panama City, Florida 32402; to Kenneth J. Metzger, Esquire, Fowler, White, et al., 101 North Monroe Street, Suite 1090, Tallahassee, Florida 32301; and by interoffice delivery to John Terrel, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 9 day of February, 2007.



Deputy Agency Clerk